

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

JOSE JESUS ABREGO,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:09-CV-211-Y
	§	
NATHANIEL QUARTERMAN,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS  
(With special instructions to the clerk of Court)

In this action brought by petitioner Jose Jesus Abrego under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 15, 2009; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 1, 2009.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled,<sup>1</sup> and that the petition for writ of habeas corpus should be dismissed for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

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<sup>1</sup>Although Abrego contends in his objections that this case should be abated pending a motion for leave he alleges he filed in the United States Court of Appeals for the Fifth Circuit, a search of that court's electronic dockets does not show a new filing from Abrego. Furthermore, this Court does not have jurisdiction to abate this case as Abrego did not obtain permission prior to filing.

Petitioner Jose Jesus Abrego's petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE to his right to file a motion in the United States Court of Appeals for the Fifth Circuit for leave to file a successive petition.

SIGNED May 6, 2009.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE